

IN THE  
UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

MICHAEL POSTAWKO, ET AL., )  
PLAINTIFFS, ) REQUEST TO INTERVENE  
VS. ) NO. 2:16-CV-04219-NLK  
MISSOURI DEPARTMENT OF CORRECTIONS, ET.) JUDGE NANETTE K. LAUGHREY,  
EL, ) PRESIDING JUDGE  
DEFENDANTS. )

TO: CLERK, UNITED STATES DISTRICT COURT, WDMO 400 E. 9TH ST.,  
KANSAS CITY, MO 64106.

MOTION FOR LEAVE OF THE COURT  
TO FILE TO PROVIDE INFORMATION OF  
FRAUD ON THE COURT, IN THIS CASE AND AGAINST HUNDREDS  
OF HELPLESS INMATES OF MISSOURI DEPARTMENT  
OF CORRECTIONS THAT HAVE BEEN SENTENCED TO DEATH  
BY THE DECISION ON OR ABOUT NOV. 20, 2017  
BECAUSE CONFINED PRISONERS ARE NOT ENTITLED TO  
MEDICAID WHILE CONFINED  
42 CFR 435.1009, 42 CFR 435.010, 42 CFR 441.13  
ASBURY EX. A LETTER DATED 6/29/17

Comes now EDISON HESTER #191244, inmate confined to the Missouri Department of Corrections was diagnosed with Hepatitis by Doctor Donnelson, June 2015, giving him standing to make this objection. The MDC agents represented to this Court that that 13,000 medicaid recipients in the state have hepatitis (Ex. B). However, Federal Law Forbids prisoners in confinement from receiving such benefits (Ex. A)(Asbury letter stated June 29, 2017 that no prisoner was eligible for benifits). Compare, 42 USC 402(x)(1) mandating also that prisoners are not entitled to disability by way of social security:

1. Applicant EDISON HESTER has been repeatedly denied any such treatment. Further, he does not receive medicaid or social security or disability funds whatsoever.

2. Edison Hester stands as a class of 1, and he has standing to intervene against the fraud committed in this case. Rule 11 FRCP sanctions those that lie and mislead the parties and the court. However, if ~~the~~ above is true then the United States would have standing to contest the settlement. However, ~~benefits~~, such as Social Security to prisoners eliminated by 42 USC 402(x)(1), has a provision that could not may be tapped in, and could very well carry over to medicaid. See: 42 USC (x)(1)(B)(ii)(II), allows:

"Such institution ceases to meet individual basic needs."

3. As stated, in those benefits taken from prisoners, they can only be reinstated for two reasons:

"For purposes of clauses (ii) and (iii) of subparagraph (A), an individual confined in an institution as described in such clause (ii) shall be treated as remaining so confined until...

(ii) such institution ceases to meet the individual's basic living needs."

(42 USC 402(x)(1)(B)(ii)(II)

4. The court is well aware of the 1994 Crime Bill and the V.O.I.T.I.S Act of "Lock-em and throw away the key", where the State of Missouri in 1994, 2003 was given millions of funds to build Level 5 Institutions, and as result, MDC became a Human Warehouse. See Chambers Brief: 2013 Mo. App. Ct. Brief Lexis 1514. 1] clearly exposing Warehousing, inmates dying like flies. *id.* It all was caused by Missouri entering into a business deal with the United States to enact 85% laws, in exchange for millions to build level 5 prisons. Missouri forgot one simple problem, who was going to finance these Warehouses? Missouri Department of Corrections is so far in debt, Missouri Jails demanding millions for housing prisoners belonging to MDC. Sexual harassment suits,

among yearly boost in prisoner cost well over \$700 million. In 2013 it was a little over \$600 million. Chambers Brief, Chambers v. Nixon, 2013 Mo. App. Ct. Brief 76662 and 2013 Mo. App. Ct. Brief Lexis 1514 p. 3 at [#4] (Mo.App.WD WD76662 2013):

"Budgett for Missouri Department of Corrections for 2012 was 600 million Dollars and for 2013 667 Million dollars (L.F. 105-107. Obviously, every cent that Missouri State Department Operates on comes directly from the State Appropriate of Missouri Legislature (L.F. 105-107)(Appendix A-37-A41)." (Ex. C).

3. 15. ~~Chambers~~ The brief unrefutedly charged the Missouri State Attorney General of filing false information. id. In that Brief a citizen taken on the States Warehousing prisoners costing the tax payers millions and millions upon millions of dollars that has severelly harmed the public and public needs. id. The Brief of Chambers also exposed by MDC/AG were applying the 85% laws in a retroactive manner, in Warehousing prisoners, when the state law prohibited such retroactive application. id. Documents filed proof this unlawful act. id.

6. V.O.I.T.I.S Act (Violent Offender Institution Truth In Sentencing) 1994 Crime Bill signed by President Clinton. After leaving office he confessed on national "TV" that it was the worst thing he ever did. George Bush, US President stated "[No more funds for Missouri, they may as well build a [prison] Wall around Missouri]". 2]

2] Prisoners because of this are dying like flies, and every single prisoner dying in MDC the state certifies "Natural Causes," in case after case, unless it was a homicide by a prisoner. Deadly diseases and lack of adequate food, medical care killed most of those prisoners, not natural causes because, as the days pass, the medical tripples from sick inmates. In 2016-2017 inmates died of medical neglect, that is a fact. Still, natural causes boiler plate rubber stamp. Now, the flood of hepititis, affecting hundreds of the WAREHOUSED PRISONERS.

7. The decision issued by this court based on a lie and is based on misrepresentation, imposed a death sentence on the herein applicant Edison Hester, as well as hundreds of other unsuspecting victims of this deadly disease, being warehoused in the Missouri State Department of Corrections. Most all obtained this disease in this setting. The reasons the applicant and thousands of other prisoners are a host to the fraud committed by MDC and Medical, that Medicaid inmates will get treatment, the others left to die. But, 42 CFR 435.1009, 42 CFR 435.010, 42 CFR 441.13 (Ex. A), do not qualify for Medicaid any prisoner. So, AG and the said Attorneys for MDC really pulled a fast one.

8. Now, if the court wants to direct that 42 CFR 435.1009, 42 CFR 435.010, 42 CFR 441.13 are void, and for some reasons invalid and this court's order superceeds the regulations, then, the court must address the next question: if Missouri confesses that the taking of millions of dollars to pass 85% laws, without one iota of operational cost, leaves them unable to care for the elderly, sick, crippled, diseased; because, the US Government caused it with V.O.I.T.I.S laws. Then the laws relating to Medicaid can fall into e.g., 42 USC 402(x)(1)(B)(ii)(II):

"[ii] such institution ceases to meet the individual's basic living needs."

9. Nonetheless, this court would be creating a manifest injustice, and sentencing thousands of MDC prisoners to death sentences by allowing this fraud continue. Citing 18 USC Sec. 1623, falsifying and misleading information to a federal judge is a federal crime.

10. Now, if the court inquired into the charges made herein and MDC admits its inability to provide basic living needs because of Warehousing, then the federal government would have to pay SSI to

eligible prisoners, and medicaid; and helpless, prisoners infected by MDC deliberate indifferences to this dangerous diseases, and others. Then this courts judgment can survive and shine on the side of justices, not fraudulent misrepresentation of state agents. If what MDC said was true "13,000 medicaid recipients in the state has hepatitis C, according to court documents" (Ex. B), then it can be changed by MDC telling the truth they don't have the money to treat thousands of MDC inmates with hepatitis, or other diseases. Then the court can level the playingfield, and mandate forthwith, that MDC, its agents and successors in office can become eligible by simply telling the truth. They are broke and became broke because of the United States causing the problems.

11. The key to success and justice is to make sure every living soul in MDC with this terrible deadly disease will be treated fairly and equally. In the alternate, this court can order all such said prisoners released.

WHEREFORE, EDISON HESTER DOES NOT WANT TO DIE IN PRISON, HE WAS NOT SENT TO MDC ON A CAPITAL CRIME AND MDC HAS NO RIGHT TO LEAVE HIM OR SIMILARLY SITUATED INMATES BEHIND TO DIE BASED ON FRAUD AND A LIE:

1) IF BY CHANCE 42 CFR 435.1009, 42 USC 435.1010, 42 USC 441.13 AND 42 USC 402(x)(1) CANNOT BE LIFTED, BASED ON ALMOST BANKRUPTSY OF MDC, THEN DISCHARGE IS DEMANDED.

2) REQUEST ORDER TO SHOW CAUSE ISSUE TO DEFENDANTS LAWYERS, AND TO THE UNITED STATES DEPARTMENT OF JUSTICE TO FILE AN IMMEDIATE BRIEF ON WHETHER THE PROVISIONS ABOVE WILL BE LIFTED BECAUSE MISSOURI IS UNABLE TO PAY FOR SUCH, THEN AN AMENDED ORDER ISSUE THAT EVERY SINGLE MDC RESIDENT WITH THIS DISEASE AND/OR OTHER DEADLY DISEASES, CAN RECEIVE MEDIICAID , AND SSI TO PROVIDE ELIGIBLE INMATES TO PURCHASE HEALTHY

FOODS, AND OTHERS NOT ELIGIBLE, TO BE ELIGIBLE FOR FOOD STAMPS TO SUPPLEMENT THEIR NECESSITIES AS THE FOOD IS MOST TIMES DEPLORABLE AND UNHEALTH, UNSANITARY AND NOT FIT FOR HUMAN CONSUMPTION.

3) SHOW CAUSE HOW THIS MATTER CAN BE SETTLED WITHOUT SENDING HUNDREDS OF PRISONERS TO THEIR GRAVES BECAUSE THEY ARE NOT A MEDICIAID ELIGIBLE PERSON.

4) IN THE EVENT THE COURT DISAGREES, THEN ASSIGN COUNSEL TO FILE AN IMMEDIATE APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE 8TH CIRCUIT, ALLOWING APPLICANT HEREIN STANDING AS A CLASS OF ONE, AND ALLOW A CHANCE TO ~~SAVE~~ THE HUNDREDS OF PEOPLE FROM DRYING CAUSED BY THE FRAUD IN THIS CASE.

5) AS A LAST RESORT TRANSFER ALL HEPITITIS INMATES INTO FEDERAL CUSTODY SO THEY CAN GET MEDICAL CARE, TAXING MISSOURI FOR SUCH COST.

6) ORDER TO SHOW CAUSE WHO SET IN MOTION THE FRAUD THAT WAS IN VIOLATION OF FEDERAL REGULATIONS AND LAW.

7) ANY SUCH RELIEF LAW AND EQUITY ALLOWS, IN ADDITION TO "TRO" OF NO REPRISALS FOR THIS PETITION AND APPEAL, AGAINST HIM, OR ANY PERSON ASSISTING HIM. 28 USC 1651A.

RESPECTFULLY SUBMITTED,

*Edison Hester*  
EDISON HESTER 191244  
JCCC  
8200 NO MORE VICTIMS RD.  
JEFFERSON CITY, MO 65101

I, EDISON HESTER, after first being duly sworn, depose and swear he has read the above and same is true and correct according to his best interest, knowlege and belief.

*Edison Hester*  
EDISON HESTER

*M. Leu*  
NOTARY PUBLIC



M. LEU  
My Commission Expires  
June 30, 2019  
Cole County  
Commission #15999384

PROOF OF SERVICE

I, EDISON HESTER, certifies true copies mailed postage  
prepaid this 4th day of December 2017 to:

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Edison Hester  
EDISON HESTER